

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO *ex rel.*
State Engineer,**

**Plaintiff,
vs.**

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

**RIO CHAMA STREAM SYSTEM
Section 7**

STATEMENT OF WATER RIGHTS CLAIM

COMES NOW, Quinlan Ranches New Mexico, LLC, a New Mexico limited liability company whose members are Kathleen K. Peters and Gerald P. Peters, III as Trustees of the Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 (“Claimant”), by and through its counsel, Law & Resource Planning Associates, P.C. (Charles T. DuMars, David Seeley and Feliz M. Martone), and hereby submits its statement of water rights claim to all water rights appurtenant to 160 acres of land irrigated from Tuck Creek, a tributary of Willow Creek near Chama, New Mexico, which is described in more detail below. As support for its water rights claim, Claimant states as follows:

1. On September 5, 2000, Michael Quinlan, John Quinlan, Clarissa Quinlan, and Wayne Quinlan (“Quinlan Family”) filed a Declaration of Ownership of Water Right Perfected Prior to March 19, 1907, (“Declaration”), which the OSE accepted for filing on September 25, 2000, and assigned File No. SD-04806. The Declaration states a claim for 3 acre-feet per acre per annum of irrigation water rights appurtenant to 160 acres of land described as: “The North One-Half of the Northwest Quarter (N 1/2 NW 1/4) of Section Thirty Three (33), the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Twenty Eight (28) and the Southeast Quarter

of the Southeast Quarter (SE 1/4 SE 1/4) of Section Twenty Nine (29), Township One North (T-1-N), Range Two East (R-2-E), Martin & Borders Subdivision of the Tierra Amarilla Land Grant, Rio Arriba County, New Mexico;”

2. The Quinlan Family previously contacted the OSE in early 2004, to inquire about the adjudication process for the water rights appurtenant to the 160 acres described in the above-referenced Declaration No. SD-04806, and were specifically in contact with Special Assistant Attorney General Edward G. Newville on May 28, 2004, to arrange a field inspection of the 160 acres;

3. As requested by the Quinlan Family, the OSE field staff of the hydrographic survey division made an inspection of the property on September 15, 2004;

4. The Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 subsequently acquired the above-described 160 acres of land from the Quinlan Family via Special Warranty Deed filed in the Rio Arriba County Clerk’s office on June 17, 2005, in Book 528, at Page 4448 and Claimant acquired the above-described 160 acres of land from the Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 via Special Warranty Deed filed in the Rio Arriba County Clerk’s office on January 31, 2006, in Book 529, at Page 790; The Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 acquired any and all appurtenant water rights to the 160 acres from the Quinlan Family via Quitclaim Deed filed in the Rio Arriba County Clerk’s office on June 17, 2005, in Book 528, at Page 4449 and Claimant acquired any and all appurtenant water rights to the 160 acres from the Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 via Quitclaim Deed filed in the Rio Arriba County Clerk’s office on April 9, 2007, in Book 530, at Page 2570; the above described 160 acres are described as “Parcel 2” on the Exhibits to the respective deeds;

5. Since the water rights appurtenant to the 160 acres are currently subject to the pending adjudication, a Change of Ownership of Water Right has not yet been filed with the OSE from the Quinlan Family to the Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 and from the Kathleen K. & Gerald P. Peters III Revocable Trust u/a 6/4/99 to Claimant;

6. As successor in interest to the Quinlan Family, Claimant met with Special Assistant Attorney General Newville to discuss Claimant's claim to water rights appurtenant to the 160 acres;

7. Special Assistant Attorney General Newville requested that Claimant prepare this Statement of Water Rights Claim for filing in the pending adjudication to provide clarification to the Court that this is not a new claim for water rights but is the continuation of an existing claim made by the Quinlan Family, predecessors in interest to Claimant.

WHEREFORE, Claimant respectfully requests the court to accept its Statement of Water Rights Claim in the pending adjudication.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: _____



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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2007, I filed the foregoing Statement of Water Rights Claim electronically through the CM/ECF system, and served true and correct copies via electronic mail and first class mail as follows:

Attorney for Plaintiff State of New Mexico

Edward G. Newville

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ednewville@ixpn.com

A handwritten signature in dark ink, appearing to read "Charles T. DuMars", is written above a horizontal line.

Charles T. DuMars